

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ERIC PASSMAN and ISHMAEL  
ALVARADO, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

PELOTON INTERACTIVE, INC.,

Defendant.

Civil Action No. 1:19-cv-11711-LGS

**NOTICE OF APPEAL**

Notice is given that Defendant Peloton Interactive, Inc., hereby appeals to the United States Court of Appeals for the Second Circuit from the Opinion and Order issued by this Court on May 2, 2025 (ECF No. 345), which vacated this Court's November 9, 2020, Opinion and Order granting in part and denying in part Defendant's motion to dismiss the Complaint (ECF No. 65); July 12, 2021, Opinion and Order granting Defendant's motion to dismiss the First Amended Complaint (ECF No. 102); January 19, 2022, Opinion and Order granting Defendant's motion to dismiss the Second Amended Complaint and denying Plaintiffs' motion to certify a class (ECF No. 168); August 11, 2022, Opinion and Order denying in part and granting in part Defendant's motion to dismiss the Third Amended Complaint (ECF No. 207); and May 2, 2023, Opinion and Order denying Plaintiffs' motion to certify a class (ECF No. 284); and struck the First Amended

Complaint, filed January 21, 2021 (ECF No. 81); Second Amended Complaint, filed July 26, 2021 (ECF No. 106); and Third Amended Complaint, filed February 18, 2022 (ECF No. 195).

May 30, 2025

Respectfully submitted,

/s/ Mark W. Mosier

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2025, a copy of the foregoing Notice of Appeal was filed electronically with the Court using the CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing.

/s/ Mark W. Mosier

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